

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al) ORDER:
- vs -) DENYING PROSECUTION APPLICA-
ARAKI, Sadao; et al) TION AS PRAYED; AND GRANT-
) ING LEAVE TO TENDER AFFI-
) DAVITS FOR IDENTIFICATION,
) INTRODUCE EXCERPTS, AND
) READ SYNOPSIS.

This matter coming on for final hearing by the Tribunal, in Open Court, on 29 November 1946, upon the application of the Prosecution for an Order of the Tribunal granting leave to present affidavit evidence by producing the original affidavits as Exhibits and by reading prepared synopses thereof instead of reading excerpts from each affidavit; copies in English of the complete affidavits and copies of the Japanese translations of the excerpts relied upon, to be served upon the Accused, or their Counsel of Record, in accordance with the provisions of Rule 6 of the Tribunal, and copies of the said synopses in both the English and Japanese language to be likewise served upon the Accused or their Counsel of Record; and

The Tribunal hearing the arguments of Counsel, and being fully advised in the premises; it is the decision of a majority of the Justices of the Tribunal, and

ORDERED: That the said application as prayed, is denied; and it is further

ORDERED by the Tribunal, that the Prosecution may tender the whole of the original affidavits for identification

only; and tender in evidence that portion of or excerpt from each affidavit upon which Prosecution relies; and read into the record a prepared synopsis of those portions or excerpts from the affidavits so introduced in evidence; and it is further

ORDERED: That the Prosecution shall serve upon the Accused or their Counsel of Record, in proper time, copies, in the English language, of the whole of the original affidavits, the excerpts therefrom to be tendered in evidence, and the synopses of such excerpts to be read into the record, and shall likewise serve copies, in the Japanese language, of said excerpts and of said synopses.

Dated at Tokyo, Japan, this 2 December 1946.

BY THE TRIBUNAL:

Signed

W. F. Webb
PRESIDENT

SITTING:

The Honorable Sir William Webb
The Honorable Mr. Justice Northcroft
Lord Patrick
The Honorable Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Jaranilla

ABSENT:

The Honorable Mr. Justice Pal